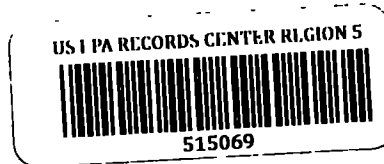


DEPARTMENT ATTORNEY GENERAL - MPCA

Office Memorandum

TO : Jay Heffern
Lovell Richie
David Giese



DATE 12-8-80

FROM : Stephen Shakman
Special Assistant
Attorney General

PHONE

SUBJECT: Reilly Tar Litigation: Reilly Proposal for W23 Investigation

Last week I discussed the W23 investigation proposed in Reilly's letter of November 24 with Mike Convey, Lovell Richie, and Rick Ferguson. From these conversations, I put together a list of questions for Phil Chen, the Reilly attorney who had written the November 24 letter. I phoned Chen on December 4 with these questions and got few solid answers. Chen's general approach was that Reilly was offering a tentative proposal whose details could be worked out after the parties had agreed on whether the investigation should be done and how the expense should be shared. Chen also added that Ed Schwartzbauer, the senior attorney on the case for Reilly, would be back in the office the week of December 8 and could discuss the proposal further.

My specific questions and Chen's answers went roughly as follows:

1. Q: Will Reilly core to the bottom of the well? If not, how will it determine where to stop?

A: Reilly recognizes that it is possible to hit a clean pocket and then more contamination. It believes our staff and its consultants could agree as the work progressed that further coring would not be useful. Its cost estimate was based on coring the full depth (see #9 below).
2. Q: What are the diameters of the temporary casing and the core?

A: Reilly does not know. It would have to discuss with Twin City Testing.
3. Q: What efforts (such as pumping) would be made to prevent mobilization of contamination?

A: This has not been discussed but could be included in the protocol to be worked out.
4. Q: Will Reilly clean and rehabilitate the well so it can subsequently be used for monitoring or gradient control purposes?

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A: No, the proposal is for investigation only.

5. Q: What will be done with the existing packer during the investigation?

A: Reilly is not aware of the packer.

6. Q: Will interaquifer flow be closed off by installation of more packers, or otherwise?

A: This is another matter to be worked out in developing the protocol. It might be advisable to seal off the flow into the well.

7. Q: What will be analyzed for with gas chromatograph? Will you use GCMS?

A: All constituents of the sample and their concentration. No mass spectrometry is planned.

8. Q: Will you sample water as well as soil and fill?

A: Water was not considered but Reilly would discuss it in developing protocol. The \$15,000 total cost estimate was based on twelve 25' cores, five samples per core, and analysis cost of \$150 per sample.

SS:dlm

cc: R. Ferguson
M. Convery
M. Toepfer
F. Hermann

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